



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-L

December 3, 2012

By email (without enclosures) and hand delivery

Linnea Brown, Esq.
Temkin Wielga & Hardt LLP
1900 Wazee Street, Suite 303
Denver, Colorado 80202
Email: brown@twlaw.com

Re: Consolidated Freedom of Information Act (FOIA) request regarding the Pavillion Field Area (FOIA Request Number 08-FOI-00114-12)

Dear Ms. Brown:

On behalf of Encana Corporation, in December 2011 you sent separate FOIA requests regarding the "Pavillion Field Area" to each of several United States Environmental Protection Agency (EPA) offices: Region 8, Region 3, the Robert S. Kerr Environmental Research Center, and the Office of Research and Development (ORD). To ensure consistency and efficiency, the EPA administratively consolidated the four original requests under a new tracking number: 08-FOI-00114-12.

As is standard for a document production of this size and scope, the EPA performed a multi-stage review process to determine both whether documents were responsive to your FOIA request and whether any privilege or exemption applies. The EPA devoted thousands of staff hours from more than 40 agency attorneys and technical professionals to complete the collection and review process. With this effort, we collected over one million potentially responsive documents, and after de-duplication efforts, reviewed more than 250,000 documents.

On November 14, 2012, the EPA provided you with an interim release of 32,958 documents responsive to your FOIA request. Although our review was not then complete, we provided the interim release as a courtesy in response to your requests that the EPA provide documents before our estimated completion date. As we informed you at the time, the omission of any document from the interim release did not constitute an initial denial of your request as to that document.

Also, as noted in previous correspondence, we have already posted a significant number of documents on the EPA's Pavillion website (<http://www.epa.gov/region8/superfund/wy/pavillion/>), and will continue to inform you when new documents are posted to the site. You will not be charged for the production of those documents to the website.

Enclosed with this letter are the documents that are responsive to your request that the EPA has determined to be releasable in full and are contained on the following media: (1) an external hard drive containing 52,573 documents; and (2) 11 CDs that contain data in its native format from Region 3, Region 8 and ORD and its contract laboratories. The documents may contain draft scientific data or analysis, as reflected by the watermark

added to the majority of the documents as part of our FOIA processing.¹ **Please copy the materials on the external hard drive, then return the drive to Michelle Marcu at the address on the letterhead plus the mailcode 8ENF-L.**

We are unable to provide you with the remaining documents that have been determined to be responsive but exempt from mandatory disclosure by virtue of 5 U.S.C. §§ 552(b)(4), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). Although not required, an itemized list of the withheld material along with the basis for withholding is provided in the enclosure to this letter. Approximately 150 documents were determined to be non-responsive after the production of this index was complete—these lines have been removed, which may account for any gaps in the Bates numbering in the index.

Our February 16 letter and subsequent correspondence informed you that once the request has been processed, you would receive a refund or an additional charge as appropriate. We are still compiling our final assessment of the costs involved. Within the next two weeks we expect to provide you with a final cost figure, as well as any refund or additional charge, as appropriate.

This constitutes the EPA's final response to your request(s). You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-calendar-day limit. The appeal letter should include the request identification number above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions about this response, please contact Michelle Marcu at marcu.michelle@epa.gov or (303) 312-6921, or Michael Boydston at boydston.michael@epa.gov or (303) 312-7103.

Sincerely,



for James B. Martin
Regional Administrator

Enclosures

1. External hard drive
2. 11 CDs
3. Index of Released Documents
4. Index of Withheld Documents

cc: Elizabeth Temkin, Esq., Temkin Wielga & Hardt LLP (temkin@twhlaw.com) (w/out enclosure)

¹ Although some of the documents in the production do not have a watermark, they also may contain draft scientific data or analysis.